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March 16, 2021

The Honorable Indira Talwani
United States District Judge
United States District Court
1 Courthouse Way
Boston, MA 02210

Re: Anthony Gattineri et al v. Town of Lynnfield, Massachusetts, et al.
USDC, Docket No. 1:20-cv-11404-IT

Dear Judge Talwani :

In accordance with the Court's Electronic Order dated March 5, 2021 (Document No. 62), we write to apprise you of the First Circuit's recent decision in *Alston v. Spiegel*, ___ F.3d ___, 2021 WL 651371 (February 19, 2021) ("*Alston*"). In essence, Alston, a former Brookline firefighter who is Black, alleged that "the defendants discriminated against him on the basis of his race . . . and conspired to enforce the Town's policy of opposing racial equality, favoring white residents, and retaliating against those who oppose the Town's views." *Id.*, at *1. Alston's complaint raised a number of federal and common law claims. Alston's claims were dismissed by the trial court and its dismissal was upheld by the First Circuit. In particular, with respect to Plaintiff's equal protection and civil rights conspiracy claims, we believe the First Circuit's decision in *Alston* bears on the arguments contained in the Defendants' Memorandum of Law in support of their Motion to Dismiss Plaintiff's First Amended Complaint, pp. 18-23.

Respectfully yours,
Town of Lynnfield, et. al.
By their attorneys,

PIERCE DAVIS & PERRITANO LLP

/s/ Adam Simms

Adam Simms
John J. Davis

AS/pc

cc: Kelley A. Jordan-Price, Esq.
Julie K. Connolley, Esq.